

BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement of License of:

APRIL LYNN WOLFENBARGER,

Petitioner.

OAH No. 2011050302

DECISION

This matter was heard before a quorum of the Board of Vocational Nursing and Psychiatric Technicians in Oakland, California, on May 19, 2011. Michael C. Cohn, Administrative Law Judge, State of California, Office of Administrative Hearings, presided.

Jonathan Cooper, Deputy Attorney General, represented the Department of Justice, Office of the Attorney General.

Petitioner April Wolfenbarger represented herself.

FACTUAL FINDINGS

1. Petitioner April Lynn Wolfenbarger was issued vocational nurse license number VN 198979 on April 15, 2002. In a default decision effective April 18, 2007, petitioner's license was revoked upon findings that in August and September 2004 she had submitted falsified timecards to her employer.

2. The incident that resulted in revocation of petitioner's license occurred while she was working through a staffing agency at Pleasant Valley State Prison. After leaving that employment petitioner moved from California to Virginia. She testified she was unaware at the time that her employer was claiming she had falsified time cards. After moving to Virginia petitioner did not advise the board of her new address and she did not renew her license when it expired on May 31, 2006. She never received notice that the board intended to take action against her license. Petitioner apparently first learned her license had been revoked when in November 2007 the Virginia Department of Health Professionals suspended her license to practice in that state based upon the revocation of her license in California. It was sometime after this, when she was pulled over for a traffic stop, that she learned criminal charges had been filed against her in Fresno County. Those charges were subsequently dismissed in September 2010.

3. Petitioner currently resides in North Carolina, where she works as a home health caregiver. To be closer to most of her family, she intends to return to California to live sometime in 2012.

LEGAL CONCLUSIONS

Petitioner established to the satisfaction of the board that it would not be against the public interest to reinstate her license. However, because petitioner's license has been expired for more than four years, under Business and Professions Code section 2892.4 petitioner must first take and pass the licensing examination.

ORDER

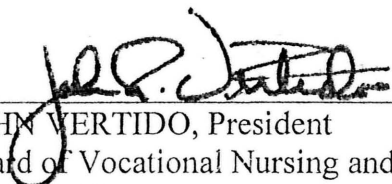
The petition of April Lynn Wolfenbarger is granted. However, before her license can be restored and she can resume practice, petitioner must comply with the following condition:

Petitioner shall, within two years from the effective date of this decision, take and pass the licensure exam currently required of new vocational nurse applicants. Petitioner shall pay the established examination fees.

Upon successful completion of the foregoing condition, petitioner's license shall be fully restored.

DATED: June 29, 2011

EFFECTIVE DATE: July 14, 2011



JOHN VERTIDO, President
Board of Vocational Nursing and Psychiatric
Technicians
Department of Consumer Affairs